
Substitute for FPD Item #: 22-0163 – Ordinance Amendment to the Forest Preserve District Code of Ethical Conduct

Sponsored by COMMISSIONERS LARRY SUFFREDIN, FRANK J. AGUILAR, ALMA E. ANAYA, LUIS ARROYO, JR., SCOTT R. BRITTON, JOHN P. DALEY, DENNIS DEER, BRIDGET DEGNEN, BRIDGET GAINER, BRANDON JOHNSON, BILL LOWRY, DONNA MILLER, STANLEY MOORE, KEVIN B. MORRISON, SEAN M. MORRISON, PETER N. SILVESTRI and DEBORAH SIMS, Forest Preserve District of Cook County Board of Commissioners

BE IT ORDAINED, by the Cook County Forest Preserve District Board of Commissioners, that TITLE 1 - ADMINISTRATIVE, CHAPTER 13 – CODE OF ETHICAL CONDUCT, is repealed in its entirety and the following Code is substituted in its place:

CHAPTER 13 CODE OF ETHICAL CONDUCT

1-13-1: DEFINITIONS.

Whenever used in this Chapter, the following terms shall have the following meanings:

1. "Board of Ethics" means the Cook County Board of Ethics serving as the Forest Preserve District Board of Ethics pursuant to an intergovernmental agreement between the District and County, and as governed by Chapter 2, Article VII of the Cook County Code, as those provisions are now approved or may be amended in the future.
2. "Appointee" means any person appointed by the Forest Preserve District President to any Boards, Commissions, Task Forces, or Councils created by Forest Preserve District Ordinance or State Statute that requires the approval, confirmation, or advice and consent of the Forest Preserve District Board.
3. "Board, Commission, Task Force, or Council" means any body created under Forest Preserve District Ordinance or State Statute whose members are appointed by the President of the Forest Preserve District subject to the approval, confirmation, or advice and consent of the Forest Preserve District Board.
4. "Candidate" means any person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at either a general primary election or general election or who has raised or expended money for themselves in pursuit of any of the following offices: Cook County Board President, Cook County Commissioner, Cook County Forest Preserve District President, and Cook County Forest Preserve District Board Commissioner.
5. "Chief Financial Officer" means the Treasurer as defined in Section 1-6-3 of the Forest Preserve District of Cook County Code of Ordinances.

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6. "Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act [5 ILCS 315/3(b)].
 7. "Compensation" means money, things of value or other pecuniary benefit received or to be received in return for, or as reimbursement for, services rendered or to be rendered.
 8. "Confidential Information" means any information that may be exempt from disclosure under the Illinois Freedom of Information Act, codified at 5 ILCS 140/1, et seq. or required to be held confidential by agreement.
 9. "Contract management authority" means personal involvement in or direct supervisory responsibility for the formation or execution of a District contract, including without limitation the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.
 10. "Contribution" has the same meaning as that term is defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).
 11. "County" means the County of Cook.
 12. "Director of Compliance" means the District employee in charge of compliance who performs all tasks and responsibilities of such function as described in the District's Employment Plan and other tasks as assigned.
 13. "District" means the Forest Preserve District of County Cook and all government departments or agencies of the Forest Preserve District of Cook County.
 14. "Done Business or Doing Business" means any one or any combination of sales, purchases, licenses, leases or contracts to, from or with the District in excess of \$10,000.00 during the previous four years.
 15. "Economic interest" means any interest valued or capable of valuation in monetary terms; provided that "Economic interest" is subject to the same exclusion as "Financial interest".
 16. "Employee" means an individual employed by the District whether part-time or full-time or by a contract of employment. Employees shall include individuals employed by District Officers as referenced in the Cook County Forest Preserve District Act [70 ILCS 810/5] for district business.
 17. "Employment" means activity in which one engages or is employed in return for compensation, including but not limited to self-employment and work as a consultant.
 18. "Ethics Director" shall mean the Director of the Cook County Board of Ethics who is acting as the Ethics Director of the Forest Preserve District Board of Ethics pursuant to an intergovernmental agreement between the District and County.
 19. "Familial relationship" shall mean a person who is a relative of an Official, Employee, or Appointee.
 20. "Financial interest" means:

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- a. Any interest as a result of which the owner currently received or is entitled to receive in the future more than one thousand two hundred dollars (\$1,200.00) per year;
 - b. Any interest with a cost or present value of five thousand dollars (\$5,000.00) or more; or
 - c. Any interest representing more than ten (10%) percent of a corporation, partnership, sole proprietorship, firm, enterprise, franchise, organization, holding company, joint stock company, receivership, trust, or any legal entity organized for profit;
 - d. Provided, however, financial interest shall not include:
 - (i) Any interest of the spouse of an Official or Employee which interest is related to the spouse's independent occupation, profession, or employment;
 - (ii) Any ownership through purchase at fair market value or inheritance of less than one (1) percent of the shares of a corporation, or any value of or dividends of such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934, as amended;
 - (iii) The authorized Compensation paid to an Official or Employee for their office or employment;
 - (iv) Any economic benefit provided equally to all patrons of the District;
 - (v) A time or demand deposit in a financial institution;
 - (vi) An endowment or insurance policy or annuity contract purchased from an insurance company;
 - (vii) Any accrued pension rights under Article 10 of the Illinois Pension Code, 40 ILCS 5/Art. 10, Forest Preserve District Employees' Annuity Benefit Fund, or any successor fund; or
 - (viii) With respect to a mutual fund, the individual securities of other instruments owned by the mutual fund.
21. "General Superintendent or Superintendent" shall mean the person who is nominated by the Forest Preserve District of Cook County Board President and confirmed by the Cook County Forest Preserve District Board to serve as Superintendent of the Forest Preserve District of Cook County.
22. "Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an Official, Appointee, or Employee. Gifts shall exclude:

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- a. Anything for which the Official, Appointee or Employee or their spouse, domestic partner, civil union partner or Relative living with them pays the market value;
 - b. Any opportunities, benefits, or services that are available to an Official, Appointee, or Employee or their spouse, domestic partner, civil union partner or Relative living with them on the same terms and conditions as the general public; and
 - c. Any contribution that is lawfully made and reported under the Election Code or under this article associated with political fundraising for a political organization, political committee, or candidate for elected office.
23. “Independent Inspector General” shall mean the person who is appointed to head the Office of the Independent Inspector General as provided for in Chapter 2. – Administration, Article IV. – Officers and Employees, Division 5. – Inspector General, of the Cook County Code.
24. "Official" means any elected District Official or any appointed non-employee member of any Council of the Forest Preserve District of Cook County. For purposes of this ordinance, any official appointed to the Board by statute in Section 5 of the Cook County Forest Preserve District Act, shall be considered an elected District Official. [70 ILCS 810/5].
25. “Official action” means any decision or recommendation by a person acting in a capacity as an Official. Official action shall not include matters that are ministerial in nature.
26. "Person" means any individual, entity, corporation, partnership, firm, association, union, trust, estate, as well as any parent or subsidiary of any of the foregoing, and whether or not operated for profit.
27. “Political activity” means any activity in support of or in connection with any campaign for elective office or any political organization or political committee, but does not include activities relating to the support or opposition of any executive, legislative or administrative action; if in furtherance of the person's official duties, relating to bargaining; or that are otherwise in furtherance of the person's official duties.
28. “Political committee” incorporates the definition of that that term as it appears in the Illinois Election Code, 10 ILCS 5/9-1.8(a).
29. “Political organization” means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9.3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.
30. "Prohibited political activity" means:
- a. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

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- b. Soliciting contributions, including, but not limited to, the purchase of, selling, distributing, or receiving payment for tickets for any political fund-raiser, political meeting, or other political event.
 - c. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
 - d. Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization or political committee for political purposes or for or against any referendum question.
 - e. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization or political committee for political purposes or for or against any referendum question.
 - f. Assisting at the polls on behalf of any political organization, political committee or candidate for elective office or for or against any referendum question.
 - g. Soliciting votes on behalf of a candidate for elective office or a political organization or political committee or for or against any referendum questions or helping in an effort to get voters to the polls.
 - h. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
 - i. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
 - j. Preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization or political committee for political purposes.
 - k. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
 - l. Campaigning for any elective office or for or against any referendum question.
 - m. Managing or working on a campaign for elective office or for or against any referendum question.
 - n. Serving as a delegate, alternate, or proxy to a political party convention.
 - o. Participating in any recount or challenge to the outcome of any election.
31. "Prohibited source" means any person or entity who:
- a. Is seeking official action:
 - (i) By any Official or Employee; or

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- (ii) In the case of an Employee, by the Employee or by the District, the Official or the other Employee directing the Employee;
 - b. Does business or seeks to do business:
 - (i) With any Official or Employee; or
 - (ii) In the case of an Employee, with the Employee or with the District, the Official or the other Employee directing the Employee;
 - c. Conducts activities regulated:
 - (i) By any Official or Employee; or
 - (ii) In the case of an Employee, by the Employee or by the District, Official or other Employee directing the Employee;
 - d. Has interests that may be substantially affected by the performance or non-performance of the official duties of the Official or Employee; or
 - e. Is a compensated lobbyist on District matters or is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, 25 ILCS 170/1, et. seq.
32. "Publicly post or publicly display" means to intentionally communicate or otherwise intentionally make available to the general public.
33. "Relative" means an Official's, Employee's, or Appointee's spouse, domestic partner, civil-union partner, parent, step-parent, child, step-child, grandparent, sibling, step-sibling, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, half-brother, or half-sister, and all of the preceding forms of relation to the Official's, Employee's, or Appointee's spouse, domestic partner, or civil union partner (if any). With respect to any terms in this definition that are gendered, the non-gendered form of the same term is deemed included.
34. "Seeking to do business" means taking action within the past six months to obtain a contract or business with the District when, if such action were successful, it would result in the person doing business with the District. This includes responding to a request for qualifications, joining a pool of pre-qualified vendors or any similar procurement vehicle. The presumption that such a person is "seeking to do business" will last for the same duration as any RFQ, pre-qualified pool or similar procurement vehicle remains valid for all qualified respondents.
35. "State" means the State of Illinois.
36. "Statement" means the disclosure of economic interest form required to be filed by the Illinois Governmental Ethics Act, 5 ILCS 420/4A-101 et seq.

1-13-2: CODE OF CONDUCT.

A. *Fiduciary Duty.*

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1. Officials and Employees shall at all times in the performance of their public duties owe a fiduciary duty to the District. Appointees appointed under Forest Preserve District Ordinance owe a fiduciary duty to the District in the performance of their public duties. Officials and Employees shall act in the best interest of the District while performing the duties of a District Official or Employee.
 2. The fiduciary duty owed by Officials, Appointees, and Employees shall include, the following duties:
 - (a) Disclose any conflicts of interest to all appropriate parties as required by Section 1-13-2:H, Conflicts of Interest, and recuse oneself from voting or participating in a decision involving the conflicted interest;
 - (b) Comply with laws and regulations by avoiding both the violation of any applicable law or regulation and the creation of a strong risk of a violation of any other law or regulation;
 - (c) Conserve District property and assets and avoid their wasteful use;
 - (d) Conduct business on behalf of the District in a financially responsible manner;
 - (d) Protect the District's best interests when contracting for outside services; and
 - (f) Report any violations, suspected violations, or other misconduct under this article to the Board of Ethics or to the Office of the Independent Inspector General of Cook County in a timely manner.

B. *Improper Influence.*

No Employee, Official, or Appointee shall use or in any way attempt to use their official position to influence any District governmental decision or action, including employment, decisions or actions on Board or Council Agenda Items or proposed Board or Council Agenda Items:

1. which the Employee, Official, or Appointee knows, has reason to know, or should know that they or any relative has any economic interest in such action or decision that is distinguishable from that of the general public of the District;
2. from which the Employee, Official, or Appointee knows, has reason to know, or should know that (a) they or their relative has derived any income or compensation during the preceding twelve (12) months; or (b) from which they or their relative reasonably expects to derive any income or compensation during the following twelve (12) months; or
3. which creates, obtains, acquires, transfers, sells, or disposes of any privilege, right, option, license, or similar legal entitlement on behalf of (a) the Employee, Official, or Appointee; (b) the Employee, Official, or Appointee's relative; or (c) any person from whom the Employee, Official, or Appointee has received compensation during the previous twelve (12) months or expects reasonably to receive compensation during the following twelve (12) months.

C. *Dual Employment, Employees and Officials.*

1. No Employee shall accept or maintain other employment which will impair their independence of judgment in the exercise of their official duties.
2. No Employee shall accept or maintain other employment which will impair their ability to perform their District duties and responsibilities.
3. No elected or appointed Official shall engage in compensated lobbying of the governing body of a county, municipality, township, the General Assembly, a State executive branch office or agency, or an Official thereof, on behalf of any lobbyist or lobbying entity that is registered with the State to lobby the District.
4. The Ethics Director of the Board of Ethics shall be authorized to promulgate rules regarding dual employment for District Employees. Any deviation from said rules shall require approval by the Ethics Director.
5. Effective 90 days after the effective date of this ordinance, any Official that holds employment outside their elected office shall disclose such employment, or any change in employment to the Ethics Director and the Board of Ethics within 30 days of engaging in such employment or change in employment. Such disclosures by Officials should be posted and made publicly available on the Ethics Departments web-page. The Ethics Director shall be charged with developing and distributing such elected Official employment disclosure form on or before 60 days after the effective date of this ordinance.

D. *Receiving and Soliciting Gifts and Favors.*

1. Gift Ban. Except as otherwise provided in this Chapter, no Official, Appointee, or Employee shall:
 - a. intentionally solicit any Gift for themselves, or any relative, from a prohibited source, or
 - b. accept any Gift of cash, gift card(s), or cash equivalent for themselves, or any relative, from a Prohibited Source; or
 - c. knowingly accept any Gift from a Prohibited Source for themselves, or any relative, unless the total value of all gifts given by the Prohibited Source to the Employee, Official, or Appointee, or their relative, amounts to no more than \$100.00 during a calendar year, or
 - d. knowingly accept any gifts received from a prohibited source that do not fall under an exception listed in Sec. 1-13-2: D.2 – Gift Ban Exceptions.

No Prohibited Source shall offer or make a Gift that violates this Section.

2. Exceptions. The restrictions in subsection 1-13-2: D.1 – Gift Ban do not apply to the following. Each of the exceptions listed in subsection 2 is independent of one another:
 - a. *Educational materials, training, conferences and missions.* Reasonable travel, food and lodging expenses provided by a Prohibited Source associated with materials, events, trainings, conferences and missions related to educating and/or

training District Employees, Officials, or Appointees, or to educating or training others on District matters or initiatives.

- b. *Travel expenses for a meeting to discuss District or Board or Commission business.* Reasonable hosting, including travel, food and lodging provided by a Prohibited Source associated with meetings, appearances or public events or ceremonies where the Employees, Officials, or Appointees, represent the District, Board or Commission on official business.
- c. *Gift from Relative.* A gift from a prohibited source who is also a Relative of the recipient Official, Appointee, or Employee or their spouse or Relative living with them.
- d. *Gift on basis of personal friendship.* A gift from a prohibited source who is also a personal friend of the recipient Official, or Appointee or Employee or their spouse or Relative living with them, provided by that individual on the basis of the personal friendship unless the Official, Appointee, or Employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the Official, Appointee, or Employee and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:
 - (i) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals, particularly the history of the relationship pre-dating the official position or employment of the Official, Appointee, or Employee;
 - (ii) Whether to the actual knowledge of the Official, Appointee, or Employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
 - (iii) Whether to the actual knowledge of the Official, Appointee, or Employee the individual who gave the gift also at the same time gave the same or similar gifts to other Officials or Employees or their spouses, domestic partners, civil union partners or Relatives living with them.
- e. *Food or refreshments not exceeding seventy-five dollars (\$75.00) per person.* Food or refreshments not exceeding seventy-five dollars (\$75.00) per person in value on a single calendar day; provided that the food or refreshments are consumed on the premises from which they were purchased or prepared or catered. For purposes of this subsection, the term "catered" means food or refreshments that are purchased ready to eat and delivered by any means.
- f. *Food, refreshments, lodging, transportation, etc., from outside employment.* Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the Official, Appointee, or Employee as an office holder or employee) of the Official, Appointee, or Employee, or the spouse,

domestic partner, or civil union partner of the Official, Appointee, or Employee, if the benefits have not been offered or enhanced because of the official position or employment of the Official, Appointee, or Employee, and are customarily provided to others in similar circumstances.

- g. *Intra-governmental and inter-governmental gifts.* For the purpose of this article "intra-governmental gift" means any gift given to an Official, Appointee, or Employee of the District from another Official or Employee of the District or of the same board or commission. "Inter-governmental gift" means any gift given to an Official, Appointee, or Employee of the District by an Official, board or Appointee, or Employee of a Cook County agency or department, a State of Illinois agency, a Federal agency, or of any governmental entity.
- h. *Bequests.* Bequests, inheritances, and other transfers at death.
- i. *Items valued at less than one hundred dollars (\$100.00).* Any item or items from any one (1) prohibited source during any calendar year having a cumulative total value of less than one hundred dollars (\$100.00).

Each of the exceptions listed in this subsection is independent of one another.

- 3. An Official, Appointee, or Employee does not violate this section if the Official, Appointee, or Employee promptly takes reasonable action [within thirty (30) days of receipt] to return the prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.
 - 4. Gifts which have a value of greater than one hundred dollars (\$100.00) (or a series of gifts with an aggregate value of greater than one hundred dollars (\$100.00) from one (1) prohibited source during any calendar year) received by any Official, Appointee, or Employee from a prohibited source shall be disclosed to the Board of Ethics by the recipient within ten (10) business days of receipt. The disclosure shall include the name and government title of the recipient; the name, address, occupation and employer of the donor; a description of the gift and its value; and the intended use or disposition of the gift.
 - 5. Any and all gifts or honoraria having a value greater than one hundred dollars (\$100.00) and received by an Official, Appointee, or Employee for participating in speaking engagements, lectures, debates or organized discussion forums arising out of their District employment shall be disclosed to the Board of Ethics within ten (10) business days of receipt.
- E. ***District Owned Property.*** District-owned and District-leased property shall only be used for official District business. No Official, Appointee, or Employee shall engage in or permit the unauthorized use of District property and resources that are owned or leased by the District or the Board or Commission to which they are appointed. De minimis personal use of property and resources shall not be considered unauthorized. This Section does not apply to

uses authorized or permitted under the Resident Watchman Program as described in Section 1-9-3 of the District's Code of Ordinances and the District's Supplemental Policies Manual.

F. ***Use or Disclosure of Confidential Information.*** No Official or Employee shall use or disclose confidential information gained in the course of or by reason of their position or employment, other than:

1. In the performance of his Official duties;
2. As may be required by law; or
3. As permitted in subsection 1-13-2: N. – Whistle Blower, of this Chapter,

For purposes of this subsection, "confidential information" means any information that may not be obtained pursuant to the Illinois Freedom of Information Act, as amended.

G. ***Conflicts of interest.***

1. No Official, Employee, or Appointee shall make, or participate in making, or preside over making any District governmental decision or action, including decisions or actions on any Board or Commission Agenda Item or proposed Board or Commission Agenda Item:

- a. which the Employee, Official, or Appointee knows, has reason to know, or should know that the Employee, Official, or Appointee, or their relative, has any economic interest in such action or decision that is distinguishable from the general public of the District;
- b. from which the Employee, Official, or Appointee knows, has reason to know, or should know that:
 - (1) the Employee, Official, or Appointee, or their spouse, domestic partner, civil union partner, dependent, or relative has derived any income or compensation during the preceding twelve (12) months; or
 - (2) the Employee, Official, or Appointee, or their spouse, domestic partner, civil union partner, dependent, or relative, reasonably expects to derive any income or compensation during the following twelve (12) months; or
- c. which creates, obtains, acquires, transfers, sells, or disposes of any privilege, right, option, license, or similar legal entitlement on behalf of (1) the Employee, Official, or Appointee; (2) the Employee, Official, or Appointee's relative; or (3) any person from whom the Employee, Official, or Appointee has received compensation during the previous twelve (12) months or expects reasonably to receive compensation during the following twelve (12) months.
- d. For purposes of this Section, the term "dependent" shall have the same meaning as provided in the U.S. Internal Revenue Code, as amended.

2. Any Employee who has a conflict of interest as described by subsection 1. above shall advise the Director of Compliance. The Director of Compliance shall discuss an appropriate remedy for the conflict or potential conflict with the Employee's Department Head. The remedy shall constitute one of the following:

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- a. Assign the matter to another Employee, or
 - b. Require the Employee to eliminate the Economic interest giving rise to the conflict and only thereafter shall the Employee continue to participate in the matter.
 - c. The Director of Compliance shall also disclose to the Director of the Board of Ethics the conflict brought to their attention and the action taken to resolve it in writing within 30 days of taking the action.
3. Any Official or Appointee who has a conflict of interest as described by subsection 1. Above, whether that conflict involves a matter that is pending before the Board or Council, or may come before the Board or Council, even if that conflict does not involve a contract or transaction, shall disclose the conflict of interest and the nature and extent of the interest to the Board Secretary or applicable secretary responsible for keeping any meeting minutes as soon as the Official or Appointee becomes aware of such conflict and shall not take any action or make any decisions regarding that particular matter. An Official or Appointee shall vote present on any matter in which they may have a conflict of interest and shall also notify the Board Secretary or applicable secretary responsible for keeping any meeting minutes of such conflict of interest within 24 hours of introduction of any ordinance, resolution, contract, order, administrative action or other matter before the Official or Appointee, or as soon thereafter as the Official or Appointee is or should be aware of such conflict of interest. Such disclosures shall be available for public inspection and copying immediately upon request.

H. *Representation of Other Persons.*

1. No Official or Employee may represent, or have an economic interest in the representation of any Person other than the District in a formal or informal proceeding or transaction before any District agency in which the agency's action or non-action is of a non-ministerial nature and no Appointee may represent, or have an economic interest in the representation of any person other than the board or commission in a formal or informal proceeding or transaction before said board or commission to which the Appointee is a party in which the board or commission's action or nonaction is of a nonministerial nature.
2. No Official or Employee may have an economic interest in the representation of any Person in any judicial or quasi-judicial proceeding before any administrative agency or court in which the District is a party and that Person's interest is directly adverse to that of the District and no Appointee may have an economic interest in the representation of any person in any judicial or quasi-judicial proceeding before any administrative agency or court in which said board or commission to which the Appointee is a party and that person's interest is directly adverse to that of the board or commission.
3. No Official or Employee may represent any Person in the circumstances described in subsection 1. or 2. unless the matter is wholly unrelated to the Official's or Employee's

District duties and responsibilities and no Appointee may represent any person in the circumstances described in Subsection 1. or 2. of this Section unless the matter is wholly unrelated to the Appointee's duties and responsibilities.

4. For purposes of this Section, the term "economic interest" shall not include the interest of the spouse, domestic partner or civil union partner of an Official, Appointee, or Employee which interest is related to the independent occupation, profession or employment of the spouse, domestic partner, or civil union partner.

I. *Post-Employment Restrictions.*

1. No former Official, Employee, or Appointee shall assist or represent any Person other than the District in any judicial or administrative proceeding involving the District if the former Official, Employee, or Appointee was counsel of record on the specific matter or participated personally and substantially in the proceeding during ~~their~~ term of office or employment.
2. No former Official, Employee, or Appointee may, for a period of 364 calendar days following the termination of the Official's or Employee's term of office or employment, assist or represent any Person in any business transaction involving the District, if the Official, Employee, or Appointee participated personally and substantially in that transaction during their term of office or employment.
3. Except as provided in subsection 6. of this Section, no Official, Employee, or Appointee may, for a period of 364 calendar days following the termination of their term of office or employment, knowingly accept employment or receive any form of compensation, consideration, or fees for services from any person if the Official, Employee, or Appointee participated personally and substantially in the decision to award a contract with a value of more than \$15,000.00 on behalf of the District, or District contracts with a cumulative value of more than, \$15,000.00 on behalf of the District, to the person offering such employment, compensation, consideration, or fees for services during the 364 calendar days prior to the termination of the Official, Employee, or Appointee's term of office or employment.
4. Except as provided in subsection 1-13-2: J.6. of this Section, for a period of 364 calendar days following the termination of their term of office or employment, no former Employee, Official, or Appointee may knowingly and for compensation lobby any District agency, board, commission, Official, Appointee, on behalf of any other person.
5. Except as provided in subsection 1-13-2: J.6. of this Section, for a period of 364 calendar days following the termination of their term of office or employment, no former Employee, Official, or Appointee may contract with the District to provide more than \$15,000.00 in compensated professional services to the District or otherwise receive more than \$15,000.00 in compensation for their labor from the District, unless the agency seeking to retain the former Official or Employee's services provides a certification to the Board of Ethics and the Director of Compliance that the former

Official or Employee's District experience or expertise is such that retention of that person for the specific services at issue is necessary to provide continuity of operations and/or will provide significant efficiencies to the District over hiring an Employee or engaging an outside vendor to perform such services. Where the Employee will be returning to the same department, the required certification shall be made by the department head. A copy of this certification shall be filed with the Secretary of the Forest Preserve District of Cook County Board of Commissioners.

6. The requirements of this Section may be waived by the Board of Ethics upon a showing by the former Official or Employee that such waiver would not result in a conflict of interest or in the disclosure of the District's confidential information. Additional requirements for waiver may be further defined by rules adopted by the Board of Ethics.
7. This Section applies only to persons who terminate an affected position on or after the effective date of this article.

J. *Interest in District Business.*

1. No Official or Employee shall have a financial interest in:
 - a. own name or in the name of any other Person in any contract, work or business of the District; or
 - b. in the disposition, sale, or transfer of any article, property, or legal entitlement, whenever the expense, price or consideration of such transaction is paid with funds belonging to or administered by the District.
2. Any Appointee with a financial interest in:
 - a. any contract, work or business of the board or commission to which they are appointed must disclose said financial interest to the Board of Ethics, whether that conflict involves a matter that is pending before the Board or Council, or may come before the Board or Council, even if that conflict does not involve a contract or transaction, and recuse themselves from participating in any decision regarding said contract, work or business; or
 - b. the disposition, sale, or transfer of any article, property or legal entitlement, whenever the expense, price, or consideration of such transaction is paid with funds belonging to or administered by the board or commission to which they are appointed must disclose said financial interest to the Board of Ethics and recuse themselves from participating in any decision regarding said matter.
3. Unless sold pursuant to a process of competitive bidding following public notice, no Official or Employee shall have a financial interest in the purchase of any property that belongs to the District or is sold by virtue of legal process.
4. Compensation for property taken pursuant to the District's eminent domain power shall not constitute a financial interest within the meaning of this Section.

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5. For purposes of this Section, the term "financial interest" shall not include the interest of the spouse, domestic partner, or civil union partner of an Official or Employee which interest is related to the independent occupation, profession, or employment of the spouse, domestic partner, or civil union partner.
 6. No appointed Official shall engage in a transaction described in this section unless the matter is wholly unrelated to the Official's District duties and responsibilities.

K. *Employment of Relatives.*

1. No Official or Employee shall:
 - a. hire a relative, on behalf of the District, or a District board or commission;
 - b. participate in a hiring decision of a relative on behalf of the District, or a District board or commission;
 - c. hire or participate in a hiring decision of any person on behalf of the District, or a District board or commission, in exchange for consideration of another person's employment of such Official, Employee, Appointee's relative or in exchange for or in consideration of the employment of any said Official's or Employee's relatives, by any other Official, Appointee or Employee.
2. No Employee, Official, or Appointee shall directly supervise or participate in the evaluation of the work or job performance of any relative of such Employee, Official, or Appointee unless;
 - a. such supervision is required by law;
 - b. the relationship is properly disclosed to the Director of the Board of Ethics and the Director of the Board of Ethics provides written approval of such arrangements; or
 - c. the supervisory arrangement at issue predates the enactment of this amendment to Article.
3. No Official, Employee, or Appointee, on behalf of any District agency, shall:
 - a. participate in a decision whether to contract with any Person with whom or in which the Official or Employee knows that a Relative of that Official or Employee has a Financial interest;;
 - b. exercise contract management authority where any relative of the Official or Employee is employed by or has contracts with persons doing District work over which the District Official or Employee has or exercises contract management authority;
4. No Appointee, on behalf of the board or commission to which they are appointed, shall:
 - a. participate in a decision whether to contract with any person with whom or in which the Appointee knows that a relative of that Appointee has a financial interest;

b. exercise contract management authority where any relative of the Appointee is employed by or has contracts with persons doing board or commission work over which the Appointee has or exercises contract management authority.

5. Any person or persons doing business with the District shall be required, upon execution of a contract with the Forest Preserve District of Cook County, to disclose to the Chief Financial Officer the existence of familial relationships such person may have with all persons defined as a Relative in Section 1-13-1 or holding an elected or appointed office associated with the District.
6. The disclosure required by this Section shall be filed by January 2 of each calendar year or within 30 days of the execution of any contract.
7. In addition to other penalties provided in this division, any person filing a late disclosure statement under this Section may be assessed a late penalty in the amount of \$100.00 per day that the disclosure is late, payable to the Cook County Board of Ethics upon filing. Any person filing an annual disclosure statement after January 31 shall be subject to the late penalty.
8. In addition to the penalties provided for in subsection 7. of this Section, any person or business entity convicted of a violation of any provision of this division may be prohibited for a period of three years from the date of the conviction from engaging, directly or indirectly, in any business with the District. Any person or business entity who is found by the Board of Ethics to have knowingly or willfully filed a false, misleading or incomplete disclosure shall be prohibited for a period of three years from the date of the finding from engaging, directly or indirectly, in any business with the District.
9. The Board of Ethics is hereby authorized to promulgate rules and procedures for the reporting and enforcement of this Section, including the designation of a disclosure form to be used by all persons required to file under this Section.

L. *Political Activity.*

1. No District Official or Employee shall compel, coerce or intimidate any District Official or Employee to make or refrain from making any political contribution. No District Official, Appointee shall directly solicit any political contribution from their Employees, the spouses, domestic partners or civil union partners of, or Relatives living with, their Employees. Nothing in this section shall be construed to prevent any Official or Employee from voluntarily making a contribution or from receiving a voluntary contribution.
2. No Employee with contract management authority nor Appointee of a District Official whose board or commission appointment provides for compensation and requires confirmation by the Forest Preserve District Board of Commissioners shall serve on the political committee of any elected Official or Candidate for Cook County office.
3. District Employees shall not intentionally perform any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time

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- off). District Employees or Officials shall not intentionally misappropriate any District property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization or political committee.
4. At no time shall any Official or Employee intentionally misappropriate the services of any District Employee and at no time shall any Appointee misappropriate the services of any Board or Commission Employee by requiring that Employee to perform any prohibited political activity:
 - a. As part of that Employee's District duties or, in the case of a board or commission, as part of that Employee's board or commission duties;
 - b. As a condition of District employment or, in the case of a board or commission, as a condition of board or commission employment; or during any time off that is compensated by the District or board or commission (such as vacation, personal, or compensatory time off).
 5. A District Employee or Appointee shall not be required at any time to participate in any prohibited political activity in consideration for that Employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise.
 6. A District Employee or Appointee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the Employee's participation in any prohibited political activity.
 7. Except as provided by subsection c, District funds and resources may not be used by any elected District Official to print, mail, transmit, or pay for the printing, mailing, or transmission of any newsletters or brochures bearing the proper name of the elected District Official during the period of time:
 - a. 60 days prior to a general primary election and ending the day after such general primary election; and
 - b. 60 days prior to a general election and ending the day after such general election.
 - c. This Section shall not apply to:
 - (1) responses to unsolicited inquiries from constituents and other interested parties; or
 - (2) informational brochures that are solely related to and accompany any mailing of a property tax bill, notice of property tax assessment, or notice of voter registration or polling place information, or to a brochure mailed to a constituent in response to that constituent's inquiry concerning the needs of that constituent or questions raised by that constituent.
 - (3) Budget Books (Annual Appropriations Ordinances); annual and other official reports; memos, letters, and other communications on District

letterhead; and coverage of press releases on official District events noting speakers or ribbon cutting or other official duties of elected Officials.

- d. No public service announcement or advertisement that is on behalf of any District administered program and contains the proper name, image, or voice-of any elected District Official shall be paid with District funds and broadcast or aired on radio or television or printed in a commercial newspaper or commercial magazine at any time on or after the date that the elected District Official files nominating papers for any elected office, and ending the day after such general election if the elected District Official is a candidate in such primary or general election. This Section shall not apply to any information available or posted by the District or any elected District Official on any District owned website or District owned social media account or broadcast or aired on the “public educational, government access” channels.
 - e. The proper name or image of any elected Official may not appear on any promotional materials or items if designed, paid for, produced, and/or distributed with public funds or resources, including, but not limited to:
 - (1) Bumper stickers;
 - (2) Commercial billboards;
 - (3) Lapel pins or buttons;
 - (4) Magnets;
 - (5) Sports teams;
 - (6) Items of clothing or apparel;
 - (7) Stickers;
 - (8) Calendars
 - (9) Vehicles or
 - (10) Equipment.
 - f. At no time during official district events, shall any Official disseminate or display political promotional material that includes the Official’s name and/or image.
8. Nothing in this Section prohibits activities that are otherwise appropriate for a District Employee or Appointee to engage in on a voluntary basis as permitted by law.
- M. ***Whistleblower Protection.*** No complainant, or Employee acting on behalf of a complainant, shall be discharged, threatened or otherwise discriminated against regarding compensation, terms, conditions, location or privileges of employment because:
- 1. The complainant or Employee acting on behalf of the complainant reports or is about to report, verbally or in writing, a violation or suspected violation of this Chapter; or

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2. The complainant or Employee acting on behalf of the complainant is requested to participate in an investigation, hearing or inquiry held pursuant to this Chapter, or in any related court action.

This section shall not apply to a complainant, or Employee acting on behalf of a complainant, who knowingly makes a false report.

N. *Limitations of Contributions to Candidates and Elected Officials.*

1. No person who does business with the District, who has done business with the District during the preceding four (4) years, is seeking to do business with the District, is registered with the State to lobby the District, is seeking official action or has sought official action by the District during the preceding four years; is an officer, director or partner of a firm, contracted by the District to act as financial counsel, bond counsel, underwriter's counsel, legal counsel, or financial manager for the issuance of any bond and directly working on said bond transaction; or is a firm, officer, director or partner, contracted by the District to provide financial audits of District finances and directly working on said contract shall make contributions in an aggregate amount exceeding one thousand five hundred dollars (\$1,500.00) in a calendar year to any local, state, or federal political committee that is established in support of a specific candidate for District office or to any local, state, or federal political committee that is established in support of a specific candidate for District office or an elected District Official. The combined effect of these provisions is intended to permit total contributions up to, but not exceeding, \$1,500.00 in a calendar year:

A year for purposes of this section is from January 1 to December 31 of each year.

2. For purposes of subsection 1. above, an entity and its subsidiaries, parent company or otherwise affiliated companies [including a separate segregated fund of an entity, as that term is described in 52 U.S.C. § 30118(b)], shall be considered a single person. The political contributions of an entity's employees, officers, directors and partners who make a political contribution for which they are reimbursed by the entity or its affiliates shall be considered a single Person. However, nothing in this provision shall be construed to prohibit such an employee, officer, director or partner from making a political contribution for which such individual is not reimbursed by a Person with whom such individual is affiliated, even if that Person has made the maximum contribution allowed under subsection 1.
3. No Appointee or District Official whose board or commission appointment provides for compensation and requires confirmation by the Cook County Forest Preserve District Board of Commissioners shall make contributions in an aggregate amount exceeding \$1,500.00 in a calendar year to any local, state, or federal political committee that is established in support of a specific candidate for District office. A year, for purposes of this Section, is from January 1 to December 31 of each year.
4. Any contributions made under this Section of this Chapter shall be reported as required by the Election Code, 10 ILCS 5/1-1 et. seq.

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5. Any Candidate for any District office or any current elected Official in Forest Preserve District government shall return contributions found in excess of the limitations set forth in this Section within 30 days of notification from the Board of Ethics. Failure to return contributions within 30 days shall be a violation of this Section and subject to fines under Section 1-13-4 – Sanctions for Violations.

1-13-3: FINANCIAL DISCLOSURE.

A. Statements of Economic Interest.

Officers and Employees shall file verified written statements of economic interests as required by the Illinois Governmental Ethics Act, 5 ILCS 420/4A-101 et seq. All statements shall be available in electronic form for examination and duplication by the Board of Ethics upon request.

B. Actions requiring District approval; disclosure information required when.

Whenever any corporation; partnership; association; business trust; estate; two or more persons having a joint or common interest; other commercial or legal entity; trustee of a land trust; or any beneficiary or beneficiaries thereof makes application to the District for action requiring an ordinance, or ordinance amendment, district board approval, or other district agency approval, with respect to contracts, leases, or sale or purchase of real estate, the following disclosures and information shall be certified and attached to the application or document:

1. The name, address, email address, and percentage of ownership interest of each individual or entity having a legal or a beneficial interest of more than five percent in the applicant. Any entity required by law to file a statement providing substantially the information required by this paragraph with any other government agency may file a duplicate of such statement;
2. Whenever any interest required to be disclosed in paragraph (1) is held by an agent or agents, or a nominee or nominees, the principals for whom such agents or nominees hold such interest shall also be disclosed. The application of a spouse, domestic partner, or civil union partner or any other party, if constructively controlled by another person, or legal entity as set forth above, shall state the name, address, email address, and percentage of beneficial interest of such person or entity possessing such constructive control and the relationship under which such control is being or may be exercised. Whenever a stock or beneficial interest is held by a corporation or other legal entity, such shareholder or beneficiary shall also make disclosure as required by paragraph (1) above;
3. A statement under oath that the applicant has withheld no disclosures as to economic interests in the undertaking nor reserved any information, data or plan as to the intended use or purpose for which it seeks district board or other district agency action.
4. All disclosures and information shall be current.

C. Rulemaking authority.

The District's Chief Financial Officer in consultation with the District's Director of Compliance is authorized to promulgate rules and regulations and prepare forms to effectuate the purposes of this subdivision.

1-13-4: SANCTIONS FOR VIOLATION.

- A. *Employment Sanctions.* Any Employee or Official found to have violated any provision of this Chapter, or to have knowingly furnished false or misleading information in any investigation, hearing or inquiry held pursuant to this Chapter, shall be subject to employment sanctions, including discharge. The provisions of this Chapter shall not limit the power of Officials to otherwise discipline Employees.
- B. *Fines.* As authorized by the State Officials and Employees Ethics Act, the Board may impose a fine of up to \$1,000.00 per violation against any Person found by the Board to have violated Section 1-13-2:D – Gift. of this Chapter. The Board may levy a fine of up to \$5,000.00 against any Person who knowingly files a frivolous complaint alleging a violation of Section 1-13-2:D - Gift Ban. of this Chapter.
- C. As authorized by the State Officials and Employees Ethics Act, a person who intentionally violates any provision of Section 1-13-2: D – Gift Ban is guilty of a Class A misdemeanor, which is separate and distinct from any penalty imposed under Subsection (a) of this section.
- D. The Board of Ethics may impose a fine of up to \$1,000.00 per offense on any person, including officials or candidates, found by the Board to have knowingly violated any provision of this article other than Section 1-13-2: D – Gift Ban or 1-13-2: M – Political Activity, to have knowingly furnished false or misleading information to the Board or to have failed to cooperate with an investigation under this article.
- E. The Board of Ethics may impose a fine less than the amounts noted in this Section when the person determined to be subject to a penalty under his Section demonstrates that such fine is unreasonable under the circumstances or would result in an unjust financial hardship to that person.
- F. *Validity of Contract.* Any contract negotiated, entered into, or performed in violation of any of the provisions of this Chapter shall be voidable by the District.

Effective date: This ordinance shall become effective upon becoming law.